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असाधारण

EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 10th March, 1978:—

BILL No. 92 OF 1977

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-eighth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1977.

Short
title.

2. In the Eighth Schedule to the Constitution,—

Amend-
ment of
Eighth
Schedule.

(a) after entry "6", the following new entry shall be inserted,
namely:—

"6A. KONKANI."

(b) after entry "7", the following new entry shall be inserted,
namely:—

"7A. MANIPURI".

STATEMENT OF OBJECTS AND REASONS

It is reasonably expected that various languages spoken in different parts of the country should find their due place in the society, as the country marches forward. The growth of these languages is stunned and they are crippled due to historical reasons of calculated neglect and deliberate suppression.

But today the situation is basically different as our country is independent and we are making conscious efforts for achieving national integration, unity and progress.

It is in this background we are called upon to tackle the problem of languages and peoples whose growth and advances were prevented in the past. This is a problem which should be tackled with utmost care and sympathy.

Konkani is a language spoken by millions of people in Karnataka, Goa, Maharashtra and Kerala. Manipuri is another ancient language spoken by people of Manipur and States nearby. It is unfortunate that these languages are denied of their rightful place among the National Languages, even today.

Inclusion of any language in the Eighth Schedule of the Constitution is unmistakably a recognition of that language as a National Language. But it is clear that the inclusion of a language in Eighth Schedule does not presuppose any linguistic redivision of the country. But at the same time it is a big gesture which can be shown by the country to those languages and peoples who were badly neglected in the past. This would help to further strengthen and consolidate National Integration.

Hence this Bill.

NEW DELHI;
The 1st April, 1977.

C. K. CHANDRAPPA.

BILL No. 1 OF 1978

A Bill further to amend the Factories Act, 1948.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Factories (Amendment) Act, 1978.

Short
title.

2. In section 2 of the Factories Act, 1948,—

Amend-
ment of
section 2.

(i) in clause (1), the words “and includes a handloom weaver, match factory worker, worker working in crackers industry, bidi worker” shall be added at the end;

(ii) for clause (m), the following clause shall be substituted, namely:—

‘(m) “factory” means any premises, including the precincts thereof, whereon ten or more workers are working, or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with or without the aid of power, or is ordinarily so carried on, but does not include a mine subject to the operation of the Mines Act, 1952, or a mobile unit belonging to the armed forces of the Union, a railway running shed, or a hotel, restaurant or eating place;’.

STATEMENT OF OBJECTS AND REASONS

Working conditions of the handloom weavers, match factory workers, workers working in crackers industry, bidi workers throughout the country remain unregulated although the nature of work performed by them is the same as that of the workers covered by the Factories Act, 1948 as it exists today. They have to work under special arrangements imposed on them by the employers who are either proprietary concerns or co-operative societies. The conditions relating to their health, safety, welfare, working hours, etc. remain unsatisfactory and far below the standard which these factories are expected to provide. At the same time, as most of such factories are run without the aid of power and employ less than twenty workers, the provisions of the Act are not applicable to them. The present Bill, therefore, seeks to bring such factories within the purview of the Factories Act, 1948.

NEW DELHI;

The 1st August, 1977.

K. RAMAMURTHY

FINANCIAL MEMORANDUM

As clause 2 of the Bill seeks to bring some more industries as also the factories with 10 or more workers, running with or without the aid of power, under the purview of the Factories Act, 1948, the inspection staff will have to be strengthened. The Bill, therefore, if enacted is likely to involve a recurring expenditure from the Consolidated Fund of India to the tune of about rupees ten lakhs annually so far as Union territories and undertakings run by the Central Government departmentally are concerned.

A non-recurring expenditure of about rupees five lakhs is also likely to be incurred.

BILL No. 30 OF 1978

A Bill to provide for prevention of charging exorbitant rates and for fixing fair prices of commodities.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

Short
title,
extent
and
commence
ment,

1. (1) This Act may be called the Price Fixation Act, 1978.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Formula
for fixing
the price.

2. (1) The retail price of each commodity whether produced in a field or in a factory inclusive of Government taxes and profit of the producer shall not exceed one and a half times its cost of production.

(2) In case the prices of goods produced in a factory register any increase or decrease, the prices of agricultural commodities shall also

be increased or decreased proportionately with immediate effect with a view to maintain parity between the prices of factory goods and agricultural commodities.

3. There shall be set up an All India Price Fixation Committee for determining the fair price of each commodity and this Committee shall consist of equal number of elected representatives of agriculturists and industrialists and one member who shall be nominated by the Government.

All India
Price
Fixation
Committee.

4. (1) The Central Government may by notification in the Official Gazette, make rules to carry out the purposes of this Act and for electing representatives of the All India Price Fixation Committee under section 3.

Power to
make
rules

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Even after 30 years of independence, soaring prices have on the one hand hit the consumers badly and on the other hand industrialists have become richer in the absence of any worthwhile policy for fixation of prices. The people in rural areas are becoming poorer whereas the people in urban areas are becoming richer due to imbalance in the prices of industrial goods and agricultural commodities.

This Bill seeks to prevent the exorbitant fluctuation in prices and to maintain parity in the prices of industrial and agricultural goods.

Hence this Bill.

NEW DELHI;

The 17th November, 1977

VINAYAK PRASAD YADAV

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of an All India Price Fixation Committee for determining the fair price of each commodity. Therefore, the Bill, if enacted, is likely to involve expenditure from the Consolidated Fund of India to the extent of about rupees two lakhs annually.

The Bill is also likely to involve a non-recurring expenditure of about fifty thousand.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to frame rules to carry out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 13 OF 1978

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India, as follows:—

- | | |
|--|--|
| 1. This Act may be called the Constitution (Amendment) Act, 1978. | Short title. |
| 2. For article 16 of the Constitution, the following article shall be substituted, namely:— | Substitution of new article for article 16. |
| “16. (1) Sixty per cent. of posts, under the Union or a State, which include Class I, II, III and IV posts and both gazetted and non-gazetted posts, shall be filled from among the citizens belonging to the backward classes on the basis of a competition which shall be held exclusively for them and the remaining posts excluding those reserved for the Scheduled Castes and Scheduled Tribes shall be filled on the basis of an open competition for which candidates belonging to the backward classes, Scheduled Castes and Scheduled Tribes shall also be eligible. | Opportunity to backward classes in matters of public employment. |

(2) For the purpose of this article, "backward classes" shall include,—

(a) members of all the communities excluding the members belonging to Scheduled Castes, Scheduled Tribes and "Dwij" Hindus;

(b) muslims, Christians, other religious minorities; and

(c) women.

(3) The provisions of clause (1) of this article shall remain in force until the backward classes are represented in the Government services in proportion to their population.

(4) Save as otherwise provided in this article, there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(5) Save as otherwise provided in this article, no citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

(6) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or in respect of generally recognised backward area in that State prior to such employment or appointment.

(7) It shall be an offence punishable under law to be made by Parliament for non-implementation of the provisions of clause (1) of this article.

STATEMENT OF OBJECTS AND REASONS

The present Indian social structure based on Casteism and Brahminism has mentally and physically crippled a majority of our population. Consequently, only 10 per cent. of our population has created a monopoly over the services by capturing 90 per cent. of posts in the Government, semi-Government and private services. As a result, the incidents of assaults, murders, arson etc. against the weaker sections are constantly on the increase.

The Bill seeks to put an end to this monopoly and remove imbalances prevailing in our society.

Hence this Bill.

NEW DELHI;
The 18th November, 1977.

VINAYAK PRASAD YADAV.

BILL NO. 2 OF 1978

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

- | | |
|-------------------------|---|
| Short title. | 1. This Act may be called the Constitution (Amendment) Act, 1978. |
| Omission of article 44. | 2. Article 44 of the Constitution shall be omitted. |

STATEMENT OF OBJECTS AND REASONS

Article 44 of the Constitution is in effect a negation of the personal laws for the communities and is a cause of serious resentment especially among the Muslims. It is necessary to delete the article.

Hence this Bill.

G. M. BANATWALLA.

NEW DELHI;

The 21st November, 1977.

BILL No. 5 of 1978

A Bill further to amend the Code of Civil Procedure, 1908.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Code of Civil Procedure (Amendment) Act, 1978.

Amend-
ment of
section 80.

2. In section 80 of the Code of Civil Procedure, 1908, in sub-section 5 of 1908. (1), the following proviso shall be added at the end, namely:—

“Provided that no such notice is necessary in a suit of prohibitory injunction.”.

STATEMENT OF OBJECTS AND REASONS

Though section 80 of the Code of Civil Procedure, 1908 does not demand a notice to the Government in the matter of a suit of prohibitory injunction as a plain reading of the section speaks of suits for the past action of the Government and its officials. But some judgments of some Courts have taken a view that even in cases of suits of prohibitory injunction such a notice is called for whereas the real purpose of such a suit is to restrain the Government or its officials from such illegal or irregular acts. As everybody is equal before Law, the Government should not be vested with such a power so as to play with civil rights of the public. On account of this shortcoming and to provide a required safeguard to the rights of the public against such a mischief this amendment to section 80 of the Code.

Hence this Bill.

NEW DELHI;

BALDEV SINGH JASROTIA

The 30th November 1977.

BILL NO. 11 OF 1978

A Bill to amend the Homoeopathy Central Council Act, 1973.

BE it enacted by Parliament in the Twentyninth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Homoeopathy Central Council (Amendment) Act, 1978.

Amend-
ment of
section
2.

2. In the Homoeopathy Central Council Act, 1973 (hereinafter referred to as the principal Act), in sub-section (1) of section 2,—

(i) for clause (d), the following clause shall be substituted, namely:—

‘(d) “Homoeopathy” means system of Medicine founded by Dr. Samuel Hahnemann, subject to the Organon of Medicine’;

(ii) for clause (h), the following clause shall be substituted, namely:—

‘(h) “regulation” means a regulation in conformity with the Organon of Medicine made under section 33.’

Amend-
ment of
section
33.

3. For clause (1) of section 33 of the principal Act the following clause shall be substituted, namely:—

“(1) the standard of professional conduct and etiquette and code of ethics to be observed by practitioners of Homoeopathy subject to the Organon of Medicine.”

STATEMENT OF OBJECTS AND REASONS

The aim of getting the definition of Homoeopathy changed is to get the "Every way pure Homoeopathy" implemented, which was neither done in pre-independence days nor is done today.

Change in the definition of "regulation" is consequential to the definition of "Homoeopathy" because the regulations framed in contradiction to the Organon of Medicine will certainly retard the growth of proper Homoeopathy. It will be simply our slavery, if we still copy the unethical West who do not logically follow the Organon of Medicine, authentic on Homoeopathy and recognised all over the world.

Unlike all other systems of medicine, Homoeopathy is basically different and its complete governing rules are there in the "Organon of Medicine" which has been recognised by the Governments all over the world. Therefore it will be ethical to maintain the standards, conduct, etiquette and code of ethics only in conformity to this very book, namely, the Organon of Medicine by Dr. Samuel Hahnemann (6th Edition).

NEW DELHI;

BHAGWAN DASS RATHOR

The 19th December, 1977.

BILL NO. 25 OF 1978

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

Short title
and
commence-
ment.

1. (1) This Act may be called the Constitution (Amendment) Act, 1978.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amend-
ment of
article 101.

2. In article 101 of the Constitution, in clause 3,—

(i) in sub-clause (b), the word “or” shall be inserted at the end;

(ii) after sub-clause (b), the following sub-clause shall be inserted, namely:—

“(c) is recalled by the electorate which elected him in accordance with the provisions of any law made by Parliament in that behalf.”.

STATEMENT OF OBJECTS AND REASONS

In the recent past our country has passed through a very serious political crisis. It was at that time that certain weaknesses of our Constitution became so conspicuous and glaring.

It is always presumed that in a democracy power ultimately rests with the people, the electorate. But in our Constitution there is no provision by which the people can exercise this power and recall their elected representative if he forfeits their confidence or behaves in an irresponsible manner. This helps to create conditions favourable for irresponsible behaviour, political defection and various other corrupt practices on the part of legislators. They feel that they are not accountable to their electorate for five years, if they are once elected.

This is an important aspect which weakens our democracy. Recently in several States in our country people challenged the authority of elected legislatures in the street saying that they lost confidence in their elected representatives. They had practically no constitutional remedy for redressing their grievances. This led to an explosive situation which threatened even the very existence of democracy.

In this background it is necessary to include a provision in our Constitution to provide the people the Right to Recall, as it was done in many other countries today. It would strengthen our democracy, make the legislators more accountable to people and make the people the real masters in our democracy. In our country the left and democratic public opinion always was in favour of providing for the Right to Recall in our Constitution. Today life has taught the country about the urgent need of it.

Hence this Bill.

NEW DELHI;

C. K. CHANDRAPPA

The 4th February, 1978.

BILL No. 34 OF 1978

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Constitution (Amendment) Act, 1978.

Amend-
ment
of article
102.

2. In article 102 of the Constitution,—

(a) clause (2) shall be re-designated as “Explanation” to clause (1) thereof and after clause (1), as so amended, the following new clauses shall be inserted, namely:—

“(2) A person shall be disqualified for continuing as a member of either House of Parliament—

(a) if he, having been elected as such member, voluntarily gives up his membership of the political party by which he was set up as a candidate in such election or of which he became a member after such election; or

(b) if he is expelled from the party to which he belonged;
or

(c) if he joins any political party of which he was not a member at the time of contesting the election.

Explanation.—If a member is an independent member and if he joins any political party after his election, he shall be disqualified for continuing as a member.

(3) Notwithstanding anything in clause (2), a member of either House of Parliament shall not be disqualified under sub-clause (a) of clause (2) on the ground that he has voluntarily given up his membership of any political party if he has given up his membership of such political party by reason of a split therein.

(4) Notwithstanding anything in clause (2), where there has been a split in any political party (referred to in this clause as the "original political party") and any group of members thereof has been registered under any law or any rule, regulation, order or notification having the force of law with respect to matters relating to, or in connection with, elections to either House of Parliament, as a separate political party (referred to in this clause as the "new political party"), then a member of either House of Parliament who belonged to the original political party and who became a member of the new political party shall not be disqualified under sub-clause (b) of clause (2) on the ground that he, at any time, after the registration of the new political party, has voted or abstained from voting contrary to the direction of the original political party or any person or authority authorised by it for the purposes of that sub-clause.

Explanation.—For the purposes of clauses (2), (3) and (4) and article 103, "political party" means—

(i) a political party classified as a recognised political party under any law or any rule, regulation, order or notification having the force of law with respect to matters relating to, or in connection with, elections to either House of Parliament;

(ii) any other political party which is recognised by the Chairman or, as the case may be, the Speaker of such House, as a political party and which on the date of such recognition consists of not less than one-fifteenth of the total number of members of such House."

3. In article 103 of the Constitution, in clause (1),—

(a) for the words, brackets and figures "clause (1) of article 102", the words, brackets and figures "clause (1) or clause (2) of article 102" shall be substituted;

(b) the following proviso shall be inserted at the end, namely:—

"Provided that the President shall not entertain any question as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (2) of article 102 unless the question has been referred for his decision by the political party or any person or authority authorised by it in this behalf."

Amend-
ment
of article
103.

Amend-
ment
of article
191.

4. In article 191 of the Constitution—

(a) clause (2) shall be re-designated as “Explanation” to clause (1) thereof and after clause (1), as so amended, the following new clauses shall be inserted, namely:—

“(2) A person shall be disqualified for continuing as a member of the Legislative Assembly or Legislative Council of a State—

(a) if he, having been elected as such member, voluntarily gives up his membership of the political party by which he was set up as a candidate in such election or of which he became a member after such election; or

(b) if he votes or abstains from voting in such House contrary to any direction issued by such political party or by any person or authority authorised by it in this behalf without obtaining prior permission of such party, person or authority.

(3) Notwithstanding anything in clause (2), a member of the Legislative Assembly or Legislative Council of a State shall not be disqualified under sub-clause (a) of clause (2) on the ground that he has voluntarily given up his membership of any political party if he has given up his membership of such political party by reason of a split therein.

(4) Notwithstanding anything in clause (2), where there has been a split in any political party (referred to in this clause as the “original political party”) and any group of members thereof has been registered under any law or any rule, regulation, order or notification having the force of law with respect to matters relating to, or in connection with, elections to the Legislative Assembly or Legislative Council of a State as a separate political party (referred to in this clause as the “new political party”), then a member of the Legislative Assembly or Legislative Council of the State who belonged to the original political party and who became a member of the new political party shall not be disqualified under sub-clause (b) of clause (2) on the ground that he, at any time after the registration of the new political party, has voted or abstained from voting contrary to any direction of the original political party or any person or authority authorised by it for the purposes of that sub-clause.

Explanation.—For the purposes of clauses (2), (3) and (4) and article 192, “political party” means—

(i) a political party classified as a recognised political party under any law or any rule, regulation, order or notification having the force of law with respect to matters relating to, or in connection with, election to the Legislative Assembly or Legislative Council of a State;

(ii) any other political party which is recognised by the Speaker or, as the case may be, the Chairman of such House as a political party and which on the date of such recognition consists of not less than one-fifteenth of the total number of members of such House.”.

5. In article 192 of the Constitution, in Clause (1).—

Amend-
ment of
article
192.

(a) for the words, brackets and figures "clause (1) of article 191", the words, brackets and figures "clause (1) or clause (2) of article 191" shall be substituted;

(b) the following proviso shall be inserted at the end, namely:—

"Provided that the Governor shall not entertain any question as to whether a member of the Legislative Assembly or Legislative Council of a State has become subject to any of the disqualifications mentioned in clause (2) of article 191 unless the question has been referred for his decision by the political party or any person or authority authorised by it in this behalf."

STATEMENT OF OBJECTS AND REASONS

Following the widespread concern over the problem of political defections affecting the national morality, Lok Sabha had passed a resolution that a Committee should be constituted to go into it. When the report of the Committee was considered, it was felt that the recommendation that a defector should be rendered ineligible for certain offices of profit for a stipulated period would not provide an adequate solution and that it would be more appropriate to amend the Constitution with a view to disqualifying a defector from his continued membership of the Legislature.

2. The Janata Party has in its election manifesto pledged to bring an Anti-Defection Bill in view of large scale 'Aye-Ram, Gaye-Ram' during the last five years which has severely affected the democratic fibre of our Constitution.

3. The Bill seeks to achieve the above objects.

RAMJI SINGH,

NEW DELHI;

The 4th January, 1978.

BILL NO. 24 OF 1978

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1978.

Short
title and
com-
mence-
ment.

(2) It shall come into force at once.

2. After article 83 of the Constitution, the following article shall be inserted, namely:—

Insertion
of new
article
83A.

“83A. Any member chosen by direct election under clause (1) of article 81 to the House of the People and under clause (1) of article 170 to the Legislative Assembly of a State can be recalled by the electorate, provided majority of the electorate of the constituency, from where the member has been elected, express their desire for recall of the member in such manner as Parliament may by law provide.”.

Recall of
elected
members.

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to empower the people to remove a public functionary before the end of his term of office. This is in fact an electoral device incorporated in the Constitution of Switzerland, U.S.S.R., Romania, Poland, Albania, Bulgaria, Hungary, Czechoslovakia and Yugoslavia. It has also been incorporated in the Constitution of 12 States of U.S.A.

The principle underlying the Bill is that people may have effective and speedy remedy to remove a functionary who is not giving satisfaction to the people regardless of whether he is discharging all his duties to the best of his ability and as his conscience dictates. Under the present Constitutional set up of India, the people, who are the real sovereign, find themselves completely helpless before the representatives whom they elect. There is no control over them by the real masters within the intervening period of two elections with the result that the representatives, at times, become irresponsible and people consequently become indifferent.

In India we have experienced the necessity of such a right during 1974 and 1975 in Bihar and Gujarat in the demand of the people to recall their representatives who had lost the confidence of the people. Though this has not been explicitly mentioned in the Janata Manifesto, it is the moral obligation of the Janata Government to incorporate the right to recall in the Constitution, as a safety valve against wide ranging anarchy.

RAMJI SINGH.

NEW DELHI;

The 4th January, 1978.

BILL No. 33 OF 1978

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1978.

Short
title and
commen-
cement.

(2) It shall come into force at once.

2. In article 84 of the Constitution, in part (b), for the words “thirty years”, the words “twenty-five years”, and for the words “twenty-five years”, the words “twenty-one years” shall be substituted.

Amend-
ment of
article
84.

3. In article 326 of the Constitution, for the word “twenty-one”, the word “eighteen” shall be substituted.

Amend-
ment of
article
326.

STATEMENT OF OBJECTS AND REASONS

The time is opportune for all goodmen and good Government of the world to evaluate and recognise the value of youth power and reduce the voting age from 21 years to 18 years. Needless to say that many Governments in the world do allow youngmen and women of 18 years to vote. The Janata Party election manifesto also mentions this. When the youth can join Army, Navy and Air Force at the age of 18 and can shoulder the responsibility of defending the country, it is all the more necessary to involve them in the protection of democracy through their direct involvement. Since we are lowering the age of voting, it is natural that we should in like manner lower the age for election to the Council of States and the House of the People to 25 years and 21 years respectively.

RAMJI SINGH.

NEW DELHI;

The 4th January, 1978.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to confer the right to vote on all young citizens of the age of eighteen years and above. It would require the preparation of fresh and additional electoral rolls as also more extensive arrangements for polling stations, etc. during the elections. Though it may not be possible to estimate the exact amount required for this purpose, the Bill, if enacted, is likely to involve a recurring expenditure of about rupees twenty lakhs from the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred.

BILL No. 23 OF 1978

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

Short
title and
commen-
cement.

1. (1) This Act may be called the Constitution (Amendment) Act, 1978.

(2) It shall come into force as prescribed hereinafter in this Act.

Insertion
of new
article 13A

2. After article 13 of the Constitution, the following article shall be inserted, namely:—

Right to
work for
livelihood.

“13A. The State shall provide work for livelihood to every person capable of it in the following phased order:—

- (i) From 1978 to 1980: All members of Scheduled Castes, Scheduled Tribes, Neo-Buddhists, Memins and Christian-Adivasis;
- (ii) From 1981 to 1983: Members of the Backward Classes and economically backward upper caste people;
- (iii) From 1984 to 1986: All able-bodied citizens who can work.”

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to fulfil the pledge of the manifesto of Janata Party but it is much more than this. Political democracy without Economic Democracy is farce. Hence, Right to Vote is incomplete without Right to Work. This is not communism but a fact of life which we must face squarely and immediately. Swami Vivekananda rightly said that the prime need of the East is not want of religion but want of bread. Any talk about liberty and freedom is an insult to those who have no food for the last so many days.

Appreciating the difficulties of the Government, the Bill seeks to provide the Right to Work in three successive phases. Unless a time-bound programme like this is made, I am sure this Bill will always be left in the background.

NEW DELHI;
The 5th January, 1978.

RAMJI SINGH.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for compulsory provision of work to the people for their livelihood in a phased manner. The Government will therefore have to create enough opportunities to provide work to all the citizens within the time limit fixed in the Bill. The Bill, therefore, if enacted is likely to involve a recurring expenditure of about rupees one thousand crore from the Consolidated Fund of India for grants-in-aid to States as also for creating opportunities in the Union territories.

So far as the non-recurring expenditure is concerned, it is not possible to give an estimate at this stage.

BILL NO. 37 OF 1978

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in Twenty-ninth Year of the Republic of India as follows:—

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| 1. This Act may be called the Representation of the People (Amendment) Act, 1978. | Short title. |
| 2. After section 78 of the Representation of the People Act, 1951, the following section shall be inserted, namely:— | Insertion of new section 78A. |
| “78A. (1) Every returned candidate at an election returned candidates, if there are more than one returned candidate at the election, shall be refunded, within sixty days of the last date of lodging the account of election expenses, four-fifths of the total expenses incurred by him at the elections, as per his election return within the prescribed maximum, provided that the candidate or candidates, belong to a political party. | Refund of election expenses by the Government. |

(2) Every contesting candidate who secures the second highest votes in any election, shall be refunded, within sixty days of the last date of lodging of election expenses, one-fourths of the total expenses incurred by him at the elections, as per his election return within the prescribed maximum, provided that the candidate belongs to a political party and provided that his deposit has not been forfeited under the law .

Explanation.—For the purposes of this Act, “political party” shall have the same meaning as in the Election Symbols (Reservation and Allotment) Order, 1968.”.

STATEMENT OF OBJECTS AND REASONS

At every general election a large amount of money is spent by the political parties for their candidates and a major share of these expenses are borne by big business houses. This increases the influence of money power over politics.

This Bill is meant to curb the influence of money power so that the State bears a part of the election expenses. This is also meant to stabilise the party system of democracy and discourage splinter groups.

NEW DELHI;

SAUGATA ROY

The 6th February, 1978.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for refund of election expenses to the returned candidates at an election. The Bill, therefore, if enacted, is likely to involve a recurring expenditure of about rupees twenty lakhs from the Consolidated Fund of India.

No non-recurring expenditure is likely to be involved on this account.

BILL NO. 28 OF 1978

A Bill further to amend the Constitution of India,

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

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| 1. This Act may be called the Constitution (Amendment) Act, 1978. | Short title. |
| 2. After Article 329 of the Constitution the following articles shall be inserted namely:— | Insertion of new articles 329B, etc. |
| “329B. For the purpose of contesting the elections to the House of the People and to legislative Assemblies of States, every political party shall be registered as a society under the Societies Registration Act, 1860 in every State. | Statutory obligation of Political Parties to be registered. |

Explanation.—For the purpose of this article, “political party” shall have the same meaning as in the Election Symbols (Reservation and Allotment) Order, 1968.

Constitu-
tion of
National
Political
Council.

329C. There shall be constituted a Council to be called the National Political Council (hereinafter referred to as the Council) in accordance with the provisions of law made by Parliament in this behalf.

Composi-
tion of
the Coun-
cil.

329D. The Council shall consist of a chairman and such member of other members, as the President may from time to time fix, and the appointment of the chairman and members shall, subject to the provisions of law made by Parliament in that behalf, be made by the President.

Powers of
the Coun-
cil.

329E. The Council shall have the power to scrutinise the accounts of any political party and shall also, from time to time, lay down a code of conduct for the political parties, which shall be binding on the political parties.

Conditions
of service
of Chair-
man, etc.

329F. Subject to the provisions of any law made by Parliament, the conditions of service and tenure of the office of chairman and members of the Council shall be such as the President may by order determine.

Staff of
the Coun-
cil.

329G. The President shall, when so requested by the Council, make available to the Council such staff as may be necessary for the discharge of the functions conferred on the Council by article 329E.”

STATEMENT OF OBJECTS AND REASONS

The proposed amendment is meant to embody the concept of political parties in the Constitution. It is desired to stabilise the Party system of democracy in the country. Such an amendment is needed to make the political parties publicly accountable as also to lay down their norms of behaviour so as to make them responsible. It is felt that without a proper role being assigned to political parties our system of Parliamentary democracy cannot be strengthened. This amendment is a natural corollary of any election reform that has to take place in the country.

Hence the Bill.

SAUGATA ROY.

NEW DELHI;
The 6th February, 1978.

FINANCIAL MEMORANDUM

Clause 2 of the Bill, *inter alia*, provides for constitution of a National Political Council and provision of staff therefor. The Bill, therefore, if enacted is likely to involve expenditure to the tune of about rupees two lakhs annually.

A non-recurring expenditure of about rupees five lakhs is also likely to be incurred.

AVTAR SINGH RIKHY,
Secretary